

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 1 5-6, 10, 12, 16-17, and 21-22 are cancelled. Claims 2-4, 7-9, 11, 13-15, 18-20, and 23-44 remain in this application as amended herein. Claims 45-65 are added. Accordingly, claims 2-4, 7-9, 11, 13-15, 18-20, and 23-65 are submitted for Examiner's reconsideration.

Applicants express appreciation to the Examiner for the telephone interview held on April 25, 2006 during which the rejection under 35 U.S.C. § 112, first paragraph, the changes to the claims set out in the present Amendment, and the arguments set out in present Amendment were discussed.

In the Office Action, claims 2-4, 7-9, 11, 13-15, 18-20 and 23, 31, and 39-40 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 2-4, 7-9, 11, 13-15, 18-20, 23, 31, and 39-40 have been amended to correct the informalities.

Claim 2, as amended, recites:

*control means for controlling stopping of transmission of a first signal derived from the reproduced data to the external apparatus through the interface in accordance with a result of the determining of the type of the external apparatus by said external-apparatus identifying means while said reproducing means reproduces the reproduced data and outputs a second signal derived from the reproduced data[.]*

(Emphasis added.)

The Examiner erroneously contends that "the support which Applicant[s] rely upon to amend the claims appear to be based on the assumption that the original disclosure is teaching the steps S5 and S3 to be performed simultaneously." However, step S3 of Fig. 2 indicates that audio data is outputted when, at step S4, it is determined that the external apparatus has no copying function. (See also Pg. 12, 11.13-15; Pg. 13, 11.8-9;

Pg. 14, 11.8-13.) Alternatively, when the determination at step S4 indicates that the external apparatus has a copying function, step S5 indicates that the *audio data* is outputted. The audio data is the *digital audio signal*. (See also Pg. 12, 1.16 to Pg. 13, 1.7; Pg. 14, 11.3-7.) Moreover, regardless of whether the digital audio signal is delivered to the interface, the optical disk apparatus also reproduces an RF signal from the disk, processes the RF signal, and outputs the resulting *analog signal*, as Fig. 1 shows. (See also Pg. 8, 1.19 to Pg. 9, 1.20; Pg. 13, 11.9-11.)

Claim 2 has been amended to more clearly show that the control means controls the stopping of the transmission of a *first signal derived from reproduced data* through the interface while the reproducing means reproduces this data and outputs a *second signal derived from the reproduced data*. Claims 3-4, 7-9, 11, 13-15, 18-20, 23, 31, and 39-40 have each been amended in a manner similar to that of claim 2 to more clearly show that each of these claims is similarly supported. It is therefore submitted that claims 2-4, 7-9, 11, 13-15, 18-20, 23, 31, and 39-40 are in full compliance with the requirements of 35 U.S.C. § 112, first paragraph.

Turning now to the art rejections, the Examiner rejected claims 2-4, 7-9, 11, 13-15, 18-20, and 23-40 under 35 U.S.C. § 102(e) as being anticipated by Shear (U.S. Patent Application Publication No. 2001/0042043). Applicants submit that the claims are patentably distinguishable over Shear.

Shear describes a platform that prevents the release of content except to output devices that cannot copy the content. Shear also describes that the platform "may refuse to provide any output at all unless such a digital ID identifying the output device as a lower quality analog device is provided." (See ¶[0282].) Therefore, the sections of Shear that are cited by the Examiner describe that the platform either provides

output to an analog device *or, alternatively, refuses to provide any output at all*. The cited sections of Shear do not disclose or suggest that the platform is capable of providing output other the analog output and therefore do not disclose or suggest controlling the stopping of the transmission of such other output while providing the analog output. Thus, the cited sections of Shear do not disclose or suggest controlling stopping of transmission of a first signal derived from the reproduced data while a reproducing means reproduces that data and outputs a second signal derived from the reproduced data, as defined in claim 2.

Claims 3-4, 7-9, 11, 13-15, 18-20, 23, 31, and 39-40 each include similar limitations and are distinguishable over Shear for at least the same reasons.

Claims 24-30 depend from claim 23 and are distinguishable over the cited reference for at least the same reasons.

Claims 32-38 depend from claim 31 and, for at least the same reasons, are distinguishable over the cited art.

Accordingly, the withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

The Examiner also rejected claims 41-44 under 35 U.S.C. § 103(a) as being unpatentable over Shear in view of Ottesen (U.S. Patent No. 5,654,747). It is submitted, however, that the claims are patentably distinguishable over the cited references.

Claims 41-44 each recite limitations similar to those recited above regarding claim 2. Therefore, each of claims 41-44 are distinguishable over Shear for at least the same reasons. The cited sections of the Ottesen patent do not remedy these deficiencies.

Accordingly, the withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

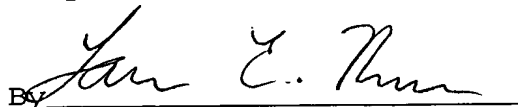
New claims 45-65 depend from claims 2-4, 7-9, 11, 13-15, 18-20, 23, 31, and 39-44, respectively. Therefore, each of claims 45-65 are distinguishable over the cited art for at least the same reasons. Support for new claims 45-65 is found, e.g., in pages 34-35 of the specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

  
By \_\_\_\_\_

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